



#11/HR  
10.28.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

OCT 22 2002

RECEIVED

In re PATENT APPLICATION OF

FARWICK et al.

Group Art Unit: 1652

Appln. No.: 09/819,930

Examiner: Fronda, C. L.

Filed: March 29, 2001

Title: NEW NUCLEOTIDE SEQUENCES ENCODING THE ptsH GENE

October 21, 2002

\* \* \* \* \*

**RESPONSE TO RESTRICTION REQUIREMENT**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

This is in response to a communication from the examiner, dated September 24, 2002, wherein the examiner required restriction to one of the following allegedly distinct inventions:

Group I: Claims 1-8 and 9-22, directed to an isolated polynucleotide, vector, and host cell.

Group II: Claims 9, 10, 13, and 16, directed to a process for the fermentative preparation of L-amino acids comprising fermentation of a coryneform bacteria which has at least the gene coding for component H of the phosphotransferase system is enhanced and further genes of the biosynthesis pathway of the desired L-amino acid are enhanced.

- Group III: Claims 9, 11, 13, and 15, directed to a process for the fermentative preparation of L-amino acids comprising fermentation of a coryneform bacteria which has at least the gene coding for component H of the phosphotransferase system is enhanced and the pck, pgi, or poxB gene is attenuated.
- Group IV: Claims 9, 12, 13, and 16, directed to a process for the fermentative preparation of L-amino acids comprising fermentation of a coryneform bacteria which been transformed with a plasmid vector carrying the nucleotide sequence of the gene coding for the component H of the phosphotransferase system is enhanced.
- Group V: Claims 9, 14, and 16, directed to a process for the fermentative preparation of L-amino acids comprising fermentation of a coryneform bacteria which has at least the gene coding for component H of the phosphotransferase system is enhanced and the dapA, pyc, tpi, gap, ptsM, pgk, or lysE gene are enhanced.
- Group VI: Claim 17, directed to the use of a polynucleotide as primers for the preparation of DNA of genes which code for the ptsH gene product.
- Group VII: Claim 18, directed to the use of polynucleotide sequences as hybridization probes.


**ELECTION**

The applicants, in a conversation with the examiner on 21 October 2002, noted that the examiner included claims 1-8 and 9-22 in Group I. As stated to the examiner, the applicants believe that this is a typographical error and that Group I should only include claims 1-4, and 6-8 (there is no claim 5). Therefore, the applicants elect, without traverse, for further prosecution on the merits the claims of Group I (claims 1-4 and 6-8).

Should the examiner wish to discuss this matter, the examiner is urged to contact the undersigned at the number indicated.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Thomas A. Cawley, Jr., Ph.D.

Reg. No.: 40,944

Tel. No.: (703) 905-2144

Fax No.: (703) 905-2500

TAC/amx  
1600 Tysons Boulevard  
McLean, VA 22102  
(703) 905-2000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Farwick et al.

Appln. No.: 09 819,930

Series Code ↑

Serial No. ↑

Filed: March 29, 2001

Hon. Commissioner of Patents

Washington, D.C. 20231

Group Art Unit 1652

Examiner: Fronda, C. L.

Atty. Dkt. P 278412 990219 BT-CIP

M#

Client Ref

Appln. Title: NEW NUCLEOTIDE SEQUENCES  
ENCODING THE psh Gene

Sir:

**REPLY/AMENDMENT/LETTER**

Date: October 21, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

## 1. Small Entity claim

A. ☒ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☐ made previously

For B &amp; C

See **Required****Separate Paper**

(Pat-256)

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	25	**minus 25 0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	3	***minus 3 0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) ..... add			+ \$280/\$140 =	+ \$0	104/204
5. Original due Date: October 24, 2002 <input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached			(1 mo) \$110/\$55 =	+ \$0	115/215
			(2 mos) \$400/\$200 =		116/216
			(3 mos) \$920/\$460 =		117/217
			(4 mos) \$1,440/\$720 =		118/218
			(5 mos) \$1,960/\$980 =		128/228
7. Enter any previous extension fee paid since above original due date and subtract			- \$0		
8.			Extension Fee	+ \$0	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....			+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c), ..... add			+ \$180	+ \$0	126
or if Rule 97(d) Request ..... add			+ \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r) .....			+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b).....			x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE) .....			+ \$740/370	+ \$0	1179/1279
14. Petition fee for .....				+ \$0	
15.			TOTAL FEE =	\$0	

16. \*If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. \*\*If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. \*\*\*If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

**PLEASE CHARGE  
OUR DEP. ACCT**

Our Deposit Account No. 03-3975)

(Our Order No. 21123 278412

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP

Intellectual Property Group

By Atty: Thomas A. Cawley, Jr.

Reg. No. 40944

Sig:

Fax: (703) 905-2500

Tel: (703) 905-2144

P.O. Box 10500

McLean, VA 22102

Tel: (703) 905-2000

Atty/Sec: TACJ/AMX

**NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments**